

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. 06401.00418)

In re application of:	)	
	)	
Lin Wang	)	Group Art Unit: 1732
	)	
Serial No: 10/687,498	)	Examiner: Monica A. Huson
	)	
Filed: March 25, 2004	)	Confirmation No.: 9050
	)	
For: Process Using Cold-Water Soluble	)	
Extruded Starch	)	

PETITION UNDER 37 C.F.R. 1.181 AND/OR 1.183

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersign respectfully petitions for a refund of the filed Time Extension Fees paid upon filing the Appeal Brief in this Application.

We mailed a Notice of Appeal on July 23, 2007. On the same day, we mailed a Pre-Appeal Brief Conference Request. The office failed to act on our request.

On February 21, the undersigned spoke with Examiner Huson, who indicated that she could not hold a Pre-Appeal Conference Request until February 24, 2008. The undersigned pointed out that this date was after the five-month extended date for filing the Appeal Brief. Although the Examiner seemed not to regard this as an issue, the undersigned is aware that oral promises of the Examiner are not binding on the office, and is also aware that Examiners normally are not empowered to waive the provisions of 37 C.F.R. 1.136.


Had the office acted on the Pre-Appeal Request for Review, the Appeal might have been allowed, but if not, time extension fees would not have been payable upon filing the Appeal Brief. The undersigned's client should not have to pay for time extension fees incurred due to inaction of the office, and respectfully request that these

fees be refunded. The office may charge a fee for this petition to deposit account 19-0733, but respectfully requests that this petition fee also be refunded.

Respectfully submitted,

Date: February 22, 2008

By:



Allen E. Hoover  
Registration No. 37,354  
BANNER & WITCOFF, LTD.  
10 South Wacker Drive  
Suite 3000  
Chicago, IL 60606  
Phone: 312-463-5000  
Fax: 312-463-5001